

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

OHIO MACHINERY CO.,)	CASE NO. 1:23-CV-00960
DbA OHIO CAT,)	
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
vs.)	
)	
DOES 1-5, dba W MACHINERY,)	OPINION AND ORDER
)	
Defendants.)	

CHRISTOPHER A. BOYKO, J.:

This matter is before the Court on Plaintiff Ohio Machinery Co. dba Ohio CAT's Motion for Leave to Conduct Limited Third-Party Discovery Prior to Rule 26(f) Conference. (ECF # 3.)

Plaintiff filed its Complaint on May 11, 2023, alleging Doe Defendants duplicated Ohio CAT's website to deceive customers into believing the Does' website business – W Machinery – is Ohio CAT's website, or its affiliate, in violation of the Lanham Act and several other Ohio state and common laws. (ECF # 1.) Plaintiff alleges that Defendants, Does 1-5, are unknown individuals or businesses and are seeking leave to issue subpoenas to discover the identities of the Doe Defendants. (ECF # 3.)

Specifically, Plaintiff is seeking to subpoena the W Machinery domain name proxy registrar. (ECF #3-1.) The subpoena seeks to compel production of documents identifying the name, address, or any contact information of the true registrants of the duplicate website; who obtained privacy or proxy service in connection with the duplicate website; or otherwise had any involvement with the registration or proxy service for the duplicate website. (*Id.*) It also seeks

all communications with the identified individuals and all documents provided to or received from those individuals. (*Id.*)

Upon consideration of Plaintiff's Motion and incorporated exhibit and balancing Plaintiff's need for discovery with the Court's concerns regarding proper joinder and personal jurisdiction, the Motion is **GRANTED IN PART** as follows:

1. Plaintiff shall serve within 30 days of this Order, a Rule 45 subpoena on the Doe Defendants' proxy registrar, limiting the information sought to Documents identifying the name, address, or any contact information for any Person that has, on or after May 10, 2018: (a) been a true registrant for the <wmachineryonline.com> domain name; (b) obtained privacy or proxy service in connection with the <wmachineryonline.com> domain name; or (c) otherwise had any involvement with the registration or proxy service for the <wmachineryonline.com> domain name.
2. Nothing in this Order precludes the proxy registrar from challenging the subpoena consistent with the Federal Rules of Civil Procedure and this Court's Local Rules.
3. If a motion to quash or a motion for protective order is filed, the proxy registrar shall preserve the information sought by the subpoena, pending resolution of such motion.
4. Any information disclosed to Plaintiff by the proxy registrar shall be used only for the purposes of prosecuting this action.

IT IS SO ORDERED.

/s Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

Dated: June 14, 2023